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REPORT

OF THE

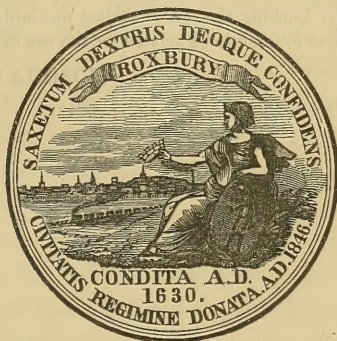
MINORITY

OF THE

JOINT SPECIAL COMMITTEE

ON

POLICE COURT.



ROXBURY:
NORFOLK COUNTY JOURNAL PRESS.
1855.

CITY OF ROXBURY.

IN COMMON COUNCIL, February 12, 1855.

The Report of the Joint Special Committee on the Police Court came down from the Board of Aldermen accepted, and the question being upon concurring in their action,—

Mr. Williams, from the said Committee, submitted a Minority Report.

Upon motion of Mr. Cushing the whole subject was laid upon the table, and the Minority Report was ordered to be printed for the use of the Council.

JOSHUA SEAVER, Clerk.

The undersigned, a Member of the Joint Special Committee to whom was referred that portion of the Mayor's Address relative to the establishment of a Police Court, respectfully submits the following

MINORITY REPORT:

THE Chairman of the Committee, in his report, inadvertently states that the Committee were unanimous in the opinion that such a tribunal was desirable and necessary; but the undersigned, after considerable reflection, and such examination as he has been able to bestow upon it, finds himself compelled to differ from their decision, but after stating briefly some reasons for his conclusions, will cheerfully leave the settlement of the question to the City Council. With the arguments — the theoretical arguments they might well be called — urged by the Committee, on the importance of having justice speedily administered in its bearing upon both the innocent and guilty, and upon the community at large, we entirely agree; but how the present method of administering justice can be materially changed, even by a Police Court, we are unable to foresee.

The arguments resting upon the jurisdiction of a Court, by which all the evils stated by the Committee — such as

being held for their appearance at Dedham, and, in want of bail, associating there with the guilty and vicious, &c. — are to be removed, are at once disposed of by the fact, that under a Police Court the state of things will be precisely the same; for the assertion that its jurisdiction will be but little inferior to the Court of Common Pleas, we are more largely indebted to the imagination of the author of the Report, than to any section of the Revised Statutes, or the customary experience of Police Courts.

This subject was before the Government of last year. A bill was procured for a Court from the Legislature; — after a full discussion upon its merits, and our wants, it was rejected.

Has any thing occurred among us, since that time, which calls more loudly for such a Court, than the reasons which existed then? Notwithstanding some sentiments in the Majority Report, which savors of severe criticism upon our community, we contend, from a long acquaintance with the people, that it is our pride — and justly should be, considering the number of our inhabitants — that ours is pre-eminently a peaceful city. Crimes of magnitude are very rare. Most of our offences are for drunkenness, or other trivial causes. That it has not been absolutely necessary, long ere this, to have had a Police Court, speaks volumes in our praise as a law-abiding and staid community.

In considering the subject of expense, the Committee give us the report of last year's criminal proceedings to be 591. From our information, and from the reports of our Police Officers, this number is much larger than is justly chargeable to us. Many of them come from neighboring towns for adjudication: deducting which, our own would hardly reach 500.

From an examination of the returns of criminal cases to the Secretary of State, we find that Justices, in ordinary cases, receive but \$2.05 as fees in each case, instead of \$3.00, as stated by the Committee.

Our estimate of the expense of a well-appointed Police Court would be somewhat as follows :

EXPENSES.

Salary of Judge,	-	-	-	-	\$1,000
" Clerk,	-	-	-	-	400
" attending Officer,	-	-	-	-	500
Rent of Room, and care thereof,	-	-	-	-	300
Furniture, stationery, incidentals,	-	-	-	-	200
					<hr/> \$2,400

RECEIPTS.

Justices' fees, 500 criminal cases,	-	-	-	\$1,025
" " civil "	-	-	-	200
				<hr/> \$1,225

thus causing an annual expense of about \$1,200, unless our business shall largely increase ; and who desires that ?

We are happy to learn, from various sources, that our number of criminal cases are sensibly diminishing. But even if 500 be the future ratio, to sit upon these cases would not, upon an average, require more than an hour or two a day. If this be so, does it not seem folly to pension for all coming time, upon an enduring people, a judge who shall receive for this comparatively small outlay of time and service, a sum much larger than our Mayor or City Clerk receive for the arduous service they render the city ?

We should be slow, we think, to surrender into the hands of any one man the whole judicial interests of the city. Numbering 20,000 people, among them all — although there may be many — we should hardly know upon whom to lay hands and exclaim, Here is a man combining so much "integrity of purpose, talent, learning in the law, judicial sagacity and discrimination," that any further exercise of these faculties for the future, by the rest of the community, will be unnecessary. A Judge, after he is appointed, is beyond our control. He may be harsh and severe, as some undoubtedly have been. He may be too

lenient and easy toward offenders, as some no doubt are. Or he may be cross, captious, overbearing and despotic in his decisions; but all this must be borne, or a long and tedious process becomes necessary to get rid of him. Justice administered by such Judges, even though it should be "uniform," does not seem so desirable to obtain, but that we should well consider the risks to be run, before we give into any hands those rights and prerogatives which we have so long enjoyed and exercised. In the practical operations of a Court, there will be some inconveniences, which at first sight will not appear. In trials before Justices, especially in civil cases, the convenience of parties, counsel, &c., are generally consulted, and such time appointed as may best suit all. The officers, too, on many occasions, may desire warrants at once for the arrest of parties; which may be absolutely needed, or offenders will have time to flee from justice. But all these things must bend to the established hours fixed by the Judge for the sessions of the Court. To one mind, and his rules, we all must submit, when to others, were we left free, we should gladly repair.

We wish to be understood as arguing our *present* necessity — whether a Police Court is, or is not *now* needed. In the far distant future, when our business is two or three times as great as it now is, its urgency but few could question.

With the dignified arguments of the Committee on the rights of the people, their desire for speedy justice, so learnedly stated, we do not quarrel. The desire expressed so well, that genuine law should keep pace with civilization, has our cordial concurrence. Yet we must express our surprise that, from such well-laid premises, the Committee came to the ignoble conclusion to ask for a bill similar to last year's; for that expressly declares that the jurisdiction of the Court shall be the same, and no greater, than a Justice of the Peace.

In conclusion, allow me to state that various changes might well be made in our manner of conducting trials. A suitable room for trials should be provided, by the Mayor and Aldermen, with responsible justices to try criminal cases, who should also detail some officer, or other suitable person, to superintend and keep a correct account of trials, decisions, &c., under such regulations as their wisdom might suggest. With, then, somewhat of that jealousy, so well alluded to in the report of the majority, against restricting the rights of the people, we therefore deem it inexpedient to petition the Legislature for a Police Court.

FRANKLIN WILLIAMS.

